

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:10cv148

DANITA MITCHELL,

Plaintiff,

v.

DEAN LOVEN, LISA BELL, FELICIA  
McADOO, and DANIEL BAILEY,

Defendants.

**ORDER**

**THIS MATTER** comes before the Court upon the plaintiff's Motion to Reconsider her Application to Proceed Without Prepayment of Fees filed May 7, 2010. (Doc. No. 4).

The plaintiff filed an initial Application on March 29, 2010, to proceed with her Complaint against the defendants without having to prepay the costs associated with bringing this action. (Doc. No. 1). On her Application, the plaintiff reported that her monthly income totaled \$1,271.00, which included \$457.00 in unemployment payments, \$300.00 in gifts, and \$514.00 in child support. The plaintiff listed a vehicle, valued at \$800.00, as her only asset. She stated that she has \$17.00 in her checking account and \$6.00 in her savings account. The plaintiff reported that her monthly expenses totaled \$2,625.00 and that her twelve-year-old son is dependent upon her for support.

On April 8, 2010, the Court denied the plaintiff's Application without prejudice because it was unable to determine how she sustains herself, given that she reports a monthly income of \$1,271.00 and total monthly expenses of \$2,625.00. (Doc. No. 3). The plaintiff was given 30 days to either remit the \$350.00 filing fee or file a new Application explaining, in detail, how she sustains herself. (Id.). On May 7, 2010, the plaintiff filed the instant motion, attaching a letter from her

former landlord, Frederick Belcher, stating that the plaintiff currently owes \$3,170.00 in past-due rent payments. The plaintiff attests under penalty of perjury that the statements given by Belcher are true. The Court notes that the plaintiff has failed to comply with its prior Order directing her to file a new Application and explain, in detail, exactly how she sustains herself. It does appear, however, that the plaintiff is unable to satisfy her monthly expenses on her current income and has accumulated debt as a result.

Accordingly, based upon the foregoing representations, the Court finds that the plaintiff does not have sufficient resources from which to pay the costs of this action.

**IT IS, THEREFORE, ORDERED** that:

1. The plaintiff's Motion to Reconsider her Application to Proceed Without Prepayment of Fees (Doc. No. 4) is **GRANTED**; and

2. The Clerk will issue summons and deliver it forthwith to the United States Marshal who will make service of process without additional cost as is usual in cases proceeding in forma pauperis.

**SO ORDERED.**

Signed: May 12, 2010



Robert J. Conrad, Jr.  
Chief United States District Judge

